

00 / 537895

07 JUN 2005

PCT/NL

03 / 00881



Europäisches  
Patentamt

European  
Patent Office

Office européen  
des brevets

09.02.04

Bescheinigung

Certificate

Attestation

REC'D 25 FEB 2004

WIPO PCT

Die angehefteten Unterla-  
gen stimmen mit der  
ursprünglich eingereichten  
Fassung der auf dem näch-  
sten Blatt bezeichneten  
europäischen Patentanmel-  
dung überein.

The attached documents  
are exact copies of the  
European patent application  
described on the following  
page, as originally filed.

Les documents fixés à  
cette attestation sont  
conformes à la version  
initialement déposée de  
la demande de brevet  
européen spécifiée à la  
page suivante.

Patentanmeldung Nr. Patent application No. Demande de brevet n°

02102732.1

**PRIORITY  
DOCUMENT**  
SUBMITTED OR TRANSMITTED IN  
COMPLIANCE WITH RULE 17.1(a) OR (b)

Der Präsident des Europäischen Patentamts;  
Im Auftrag

For the President of the European Patent Office

Le Président de l'Office européen des brevets  
p.o.

R C van Dijk

DEN HAAG, DEN  
THE HAGUE,  
LA HAYE, LE

02/02/04

EPA/EPO/OEB Form 1014 - 02.91

BEST AVAILABLE COPY



Europäisches  
Patentamt

European  
Patent Office

Office européen  
des brevets

**Blatt 2 der Bescheinigung**  
**Sheet 2 of the certificate**  
**Page 2 de l'attestation**

Anmeldung Nr.:  
Application no.: 02102732.1  
Demande n°:

Anmeldetag:  
Date of filing: 11/12/02  
Date de dépôt:

Anmelder:  
Applicant(s):  
Demandeur(s):  
DSM IP Assets B.V.  
6411 TE Heerlen  
NETHERLANDS

Bezeichnung der Erfindung:  
Title of the invention:  
Titre de l'invention:  
Soft surgical tissue mesh

In Anspruch genommene Priorität(en) / Priority(ies) claimed / Priorité(s) revendiquée(s)

Staat:  
State:  
Pays:

Tag:  
Date:  
Date:

Aktenzeichen:  
File no.  
Numéro de dépôt:

Internationale Patentklassifikation:  
International Patent classification:  
Classification internationale des brevets:  
/

Anmeldetag benannte Vertragsstaaten:  
Contracting states designated at date of filing: AT/BG/BE/CH/CY/CZ/DE/DK/EE/ES/FI/FR/GB/GR/IE/IT/LI/LU/MC/NL/  
Etats contractants désignés lors du dépôt:

Bemerkungen:  
Remarks:  
Remarques:

The applicant's name at the time of filing of the application was as follows:  
DSM N.V.

The registration of the change has taken effect on 10 July 2003 (10.07.2003)

SOFT SURGICAL TISSUE MESH

5

The present invention relates to a surgical mesh and, more particularly, to a soft and flexible surgical mesh.

Using surgical mesh for the repair and restoration of living tissue is well known. For example, in US 6,042,592 a surgical mesh is described, which is used  
10 to support and/or reinforce a damaged or weakened portion of the body. US 6,042,592 further describes that, a mesh must additionally be sufficiently porous to allow for growth of tissue through the graft after implantation. A healing tissue generally grows through porous openings in the implanted mesh, thereby assimilating the mesh and adding structural integrity to the tissue.

15

U.S. Pat. No. 3,054,406 discloses another example of a surgical mesh used for repair and restoration of living tissue. The surgical mesh described therein may be woven from either monofilament or multifilament polyethylene yarns. The mesh has limited pliability when formed of monofilament yarns, and may be prone to harboring of infectious matter when formed of multifilament yarns.

20

A surgical mesh has been extremely useful in the field of repairing soft tissue such as during a hernia repair operation. Groin herniorrhaphy is among the oldest and most common surgical procedures performed. Unfortunately, the average operative result is beset by a period of discomfort with resultant disability. Techniques have been developed, such as laparoscopic herniorrhaphy, with the intent to reduce  
25 morbidity and recurrence rates. Most trials, however, have noted only a moderate improvement in the pain and disability associated with the procedure. Further, the added cost of equipment, the need for general anesthesia, and the additional operating room time required for laparoscopic herniorrhaphy indicates that this procedure is less than ideal. There continues to be a need for a procedure that can effectively address all  
30 the considerations of cost, disability, and hernia recurrence for patients with an inguinal hernia.

While the placement of a prosthetic mesh in the properitoneal space is currently performed with either a laparoscopic or an open technique, it is desirable to perform the procedure through even less invasive means. One such means  
35 contemplated involves the use of needles to deliver the mesh into the peritoneal cavity. Delivery of mesh by means of a needle, however, has heretofore hardly been possible in part due to the unavailability of a mesh which is thin enough to be passed through

the cannula of a needle, yet of sufficient tenacity and flexibility to adequately serve its intended purpose.

There is therefore a need for a soft tissue surgical mesh which can be made having a thickness that allows the mesh to be rolled or folded and thereafter  
5 inserted into the cannula of a needle for deployment in the body and which exhibits both the soft and pliable characteristics of a mesh produced from multifilament yarns and the infection resistance of a mesh produced from monofilament yarns. In order to provide a mesh with a low thickness, the yarns of which the mesh is made should have a high tenacity. However yarns with a high tenacity generally have a too low flexibility  
10 for surgical meshes:

It is the aim of the invention to provide a mesh, which combines flexibility with a sufficient tenacity to obtain a thinner mesh than the known meshes.

According to the invention this is obtained by a mesh with polyethylene yarns having a tenacity of more than 10 cN/dTex, the yarn of which  
15 consisting of a polyethylene with a relative viscosity of more than 5 dl/g.

Herewith a mesh can be obtained which is both thin and flexible enough for the surgical use mentioned above.

A surgical mesh can be produced by knitting, weaving, braiding, or otherwise forming a plurality of yarns into a mesh. Preferably the mesh of the invention  
20 is knitted.

The mesh comprises polyethylene yarns having a tenacity of more than 10 cN/dTex, preferably more than 20 cN/dTex and consist of a polyethylene with an relative viscosity of more than 5 dl/g, measured at a concentration of 0,05% in decalin at 135°C according to ASTM D 4020. Preferably the relative viscosity of the  
25 polyethylene is more than 10 dl/g. An advantage of a mesh comprising a yarn made from polyethylene with a relative viscosity of more than 10 dl/g is the high fatigue strength of such a mesh.

The thickness of the yarn may vary between wide ranges. A suitable thickness for the yarns in the mesh of the invention however is between 10 and 500  
30 denier.

A mesh can be produced with monofilament or multifilament yarns. Surgical mesh formed of monofilament yarn provides satisfactory reinforcement ability, but is generally stiff and has limited pliability. In contrast, surgical mesh formed of multifilament yarn is soft and flexible in comparison to mesh formed of monofilament  
35 yarn. However, mesh formed of multifilament yarn may tend to harbor infectious matter

such as bacteria. Particularly, the small void areas or interstitial spaces between the filaments of a multifilament yarns may promote the breeding of such bacteria. To date, surgeons typically prefer the monofilament design because of its improved resistance to harboring of infectious matter. As a result of this choice, surgeons must forego the advantages associated with multifilament yarns.

In a special embodiment of the invention the yarns are composite yarns comprising a sheath and a core, such that the weight ratio between sheath and core is below 3:1. Such a composite yarn combines the advantages of a flexible multifilament yarn with a yarn being less prone to harboring of infectious matter.

In one preferred embodiment of the present invention, a medicinal drug (e.g., an antibiotic) is incorporated into the yarns.

The invention further relates to a method of producing a surgical soft and flexible soft tissue mesh comprising polyethylene yarns, wherein the yarns comprise filaments made by:

- a) spinning at least one filament from a solution of polyethylene with a relative viscosity of more than 5 dl/g in a solvent;
- b) cooling the filament obtained to form a gel filament;
- c) removing at least partly the solvent from the gel filament; and
- d) drawing the filament in at least one drawing step before, during or after removing solvent.

Such a spinning process is generally referred to as a gel spinning process. Gel spinning of polyethylene with a relative viscosity of more than 5 dl/g (ultra high molecular weight polyethylene; UHMwPE) has been described in various publications, including EP 0205960 A, EP 0213208 A1, US 4413110, WO 01/73173 A1, and Advanced Fiber Spinning Technology, Ed. T. Nakajima, Woodhead Publ. Ltd (1994), ISBN 1-855-73182-7, and references cited therein. such that the tenacity is more than 10 cN/dTex.

The invention further relates to a preferred method, wherein the yarns are subjected to a heat treatment, optionally in the presence of a second solvent for polyethylene, in which a composite yarn is formed comprising a sheath and a core, such that the weight ratio between sheath and core is below 3:1. In this process the yarns may be in the form of a braided, twisted or intermingled bundles of filaments.

The conditions, like temperature and residence time of the process according to the preferred method of the invention are selected to be high, respectively long enough to soften the filaments and allow them to combine at least at the surface

of the yarn such that a sheath is formed. Conditions useful for the surface combining process include a temperature or series of oven temperatures within the melting point range of the filament polymer that allows for forming a core-sheath composition during the exposure period. The temperature at which the preferred process is carried out is preferably within the range from about 150°C up to about 157°C for gel spun polyethylene yarns exhibiting a relaxed melting point range of 138° to about 162°C. at a 20°C./minute scan rate and having a relative viscosity of more than 5 dl/g. Residence times during which the line is exposed to the oven temperature are within the range from about 6 seconds to about 150 seconds. The weight ratio between sheath and core can be adjusted by increasing or decreasing the oven temperature, increasing or decreasing the residence time, or by applying a pressure to the surface of the yarns.

Optionally a second solvent can be applied to the surface of the yarn, to enhance the process of making a composite yarn. Such second solvent may include mineral oil (e.g., heat transfer grade mineral oil with an average molecular weight of 250-700) paraffin oil, and vegetable oil (e.g., coconut oil), or any other solvent for polyethylene, such as decalin, toluene or hexane. Contact between the tread or yarn and the second solvent can be performed under ambient conditions (e.g., 20°-25°C.) or under elevated temperatures (e.g., up to about 100-150°C. or higher). Mineral oil acts as a plasticiser that enhances the efficiency of the process permitting the process for making the composite fiber to be performed at lower temperatures.

Optionally the first and the second solvent are the same.,

The invention also relates to a method of producing a surgical soft and flexible soft tissue mesh wherein the method further comprises a step of incorporating a medical drug into the yarns.

This can be done by adding the medical drug to the first solvent wherein the polyethylene is dissolved. Another way to incorporate a medical drug into the yarns is to add the medical drug to the second solvent. In order to obtain a more stable mesh structure the yarns of the mesh can be heat setted. This can be done by heating the mesh under constant strain at a temperature between the melting temperature of the polyethylene and a temperature which is not more than 20 below the melting temperature.

CLAIMS

1. Surgical soft and flexible soft tissue mesh comprising polyethylene yarns,  
5 characterized in that the polyethylene yarns have a tenacity of more than 10 cN/dTecx and consist of a polyethylene with an relative viscosity of more than 5 dl/g.
2. Mesh according to claim 1 wherein the mesh is knitted.
3. Mesh according to claim 1 or claim 2, wherein the yarns are composite yarns  
10 comprising a sheath and a core, such that the weight ratio between sheath and core is below 3:1.
4. Mesh according to any of claims 1-3 wherein the yarn comprises a medical drug.
5. Method of producing a surgical soft and flexible soft tissue mesh comprising  
15 polyethylene yarns, characterized in that the yarns comprise filaments made by:
  - a) spinning at least one filament from a solution of polyethylene with a relative viscosity of more than 5 dl/g in a solvent;
  - b) cooling the filament obtained to form a gel filament;
  - 20 c) removing at least partly the solvent from the gel filament; and
  - d) drawing the filament in at least one drawing step before, during or after removing solvent.
6. Method according to claim 5, wherein the yarns are subjected to a heat  
25 treatment optionally in the presence of a second solvent for polyethylene in which a composite yarn is formed comprising a sheath and a core, such that the weight ratio between sheath and core is below 3:1.
7. Method according to 5 or 6, wherein the method further comprises a step of incorporating a medical drug into the yarns by adding the drug to the first or the second solvent.
- 30 8. Method according to any of claims 5- 7 wherein the mesh is heat settled under constant strain at a temperature between the melting temperature of the polyethylene and a temperature which is not more than 20 below the melting temperature.

ABSTRACT

The invention relates to a surgical soft and flexible soft tissue mesh comprising polyethylene yarns, wherein the polyethylene yarns have a tenacity of more than 10 cN/dT<sub>ecx</sub> and consist of a polyethylene with an relative viscosity of more than 5 dl/g.

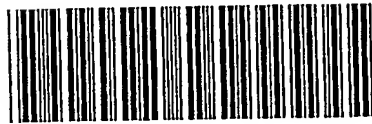
A further aspect of the invention is a method of producing a surgical soft and flexible soft tissue mesh comprising polyethylene yarns, wherein the yarns comprise filaments made by:

- 10 a) spinning at least one filament from a solution of polyethylene with a relative viscosity of more than 5 dl/g in a solvent;
- b) cooling the filament obtained to form a gel filament
- c) removing at least partly the solvent from the gel filament; and
- 15 d) drawing the filament in at least one drawing step before, during or after removing solvent.



PCT Application

**NL0300881**



**This Page is Inserted by IFW Indexing and Scanning  
Operations and is not part of the Official Record**

**BEST AVAILABLE IMAGES**

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- ☐ BLACK BORDERS
- ☐ IMAGE CUT OFF AT TOP, BOTTOM OR SIDES
- ☐ FADED TEXT OR DRAWING
- ☐ BLURRED OR ILLEGIBLE TEXT OR DRAWING
- ☐ SKEWED/SLANTED IMAGES
- ☐ COLOR OR BLACK AND WHITE PHOTOGRAPHS
- ☐ GRAY SCALE DOCUMENTS
- ☒ LINES OR MARKS ON ORIGINAL DOCUMENT
- ☐ REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY
- ☐ OTHER: \_\_\_\_\_

**IMAGES ARE BEST AVAILABLE COPY.**

**As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.**